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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,838	07/16/2003	Terry A. Scott	27087/39530	8778

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EXAMINER

LUONG, SHIAN TINH NHAN

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/620,838

Applicant(s)

SCOTT, TERRY A.

Examiner

Shian T. Luong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-34 is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-9, 13-17, 20-22, 26 and 27 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 10-12, 18, 19 and 23-25 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/22/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4,7-9,13-17,20-22,26-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Miyake (US 6,474,471). Miyake disclose a packaging system comprising a container 14 having a rim adjacent element 44 defining an open end. A carrying assembly having a first portion (the area adjacent to element 42) for securely capturing the container rim and a second portion comprising a blister package. The blister package including a blister section forming a carrying handle for the system. The blister package is generally arch shaped along the top portion. The blister package includes blister sections on opposing sides (the top and bottom sides) to form the carrying handle. The blister section on the top side is formed with an enlarged perimeter portion (the indented area from the exterior side of element 12) following the generally arch shape of the blister package. The blister package has blister portions 22,24 for receiving items. A display card is in the blister package. An upper supporting surface is the interior surface of element 12. The upper supporting portion has deformation 22. The lower supporting surface is the area below the upper supporting surface and has a space 24. The cover is the area that engages the container opening.

3. Claims 1-4,7,9,13-17,20,22,26-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Glassman (US 6,227,369). Glassman disclose a packaging system comprising a

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container 14 having a rim 20 defining an open end. A carrying assembly having a first portion 24 for securely capturing the container rim and a second portion comprising a blister package. The blister package including a blister section forming a carrying handle for the system. The blister package is generally arch shaped along the top portion. The blister package includes blister sections on opposing sides (the top and bottom sides) to form the carrying handle. The blister section on the top side is formed with an enlarged perimeter portion following the generally arch shape of the blister package. A display card is in the blister package. An upper supporting surface is the interior surface of element 12. The upper supporting portion has deformation 12a. The lower supporting surface is the area below the upper supporting surface and has a space 12. The cover is the area that engages the container opening.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glassman over Miyake. Although Glassman does not disclose the location of the display card, it would have been obvious in view of Miyake to provide a display card in the package to indicate the content or information therein. Miyake disclose a packaging system comprising a container 14 having a rim adjacent element 44 defining an open end. A carrying assembly having a first portion (the area adjacent to element 42) for securely capturing the container rim and a second

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portion comprising a blister package. The blister package including a blister section forming a carrying handle for the system. The blister package is generally arch shaped along the top portion. The blister package includes blister sections on opposing sides (the top and bottom sides) to form the carrying handle. The blister section on the top side is formed with an enlarged perimeter portion (the indented area from the exterior side of element 12) following the generally arch shape of the blister package. The blister package has blister portions 22,24 for receiving items. A display card is in the blister package. An upper supporting surface is the interior surface of element 12. The upper supporting portion has deformation 22. The lower supporting surface is the area below the upper supporting surface and has a space 24. The cover is the area that engages the container opening.

Allowable Subject Matter

6. Claims 5-6,10-12,18-19, 23-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 28-34 are allowed.

Conclusion

8. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel and not to the examiners. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information

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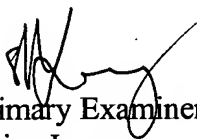
without contacting the examiners, M.P.E.P. 203.08.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Erica Miller at (571) 272-4370.

For applicant's convenience, the official FAX number is 571-273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify Examiner Luong of Art Unit 3728 at the top of your cover sheet of any correspondence submitted.

Inquiries concerning the merits of the examination should be directed to Shian Luong whose telephone number is (571) 272-4557. The examiner can normally be reached on M-H from 7:00am to 4:00pm EST.

STL
August 11, 2005


Primary Examiner
Shian Luong
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